



JPW

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

AXENOVICH et al.

Serial No.: 10/789,378

Filed: February 26, 2004

Atty. File No.: 5189-2

For: "TARGETS FOR CONTROLLING
CELLULAR GROWTH AND FOR
DIAGNOSTIC METHODS"

Group Art Unit: 1642

Examiner: YU, Misook

**INFORMATION DISCLOSURE
STATEMENT**

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS
BEING DEPOSITED WITH THE UNITED STATES POSTAL
SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE
ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O.
BOX 1450, ALEXANDRIA, VA 22313 ON THIS 13 DAY OF
September, 2005.

SHERIDAN ROSS P.C.

BY:

Chasity C. Rossum

Chasity C. Rossum

Mail Stop: Amendments

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

The references cited on attached Form PTO-1449 are being called to the attention of the Examiner.

- ☒ Copies of the cited foreign patents and/or non-patent references are enclosed herewith.
- ☒ Copies of the cited U.S. patents and/or U.S. patent application publications are not enclosed

in accordance with 69 F.R. 56482.

☐ Copies of the cited references are not enclosed, in accordance with 37 C.F.R. 1.98(d),
because the references were submitted to the U.S. Patent and Trademark Office in prior application Serial No. _____
_____ filed _____, which is relied upon for an earlier filing date under 35 U.S.C. §
120.

☐ To the best of applicants' belief, the pertinence of the foreign-language references are
believed to be summarized in the attached English abstracts and in the figures, although applicants do not
necessarily vouch for the accuracy of the translation.

☒ Examiner's attention is directed to the following co-pending application(s) for which priority
is not being claimed, copies have been or are being submitted:

Serial No. 10/441,925 filed May 19, 2003 (Atty. Dckt. No. 5189-1)

☐ Examiner's attention is directed to the following co-pending application(s), to which the
current application claims priority, copies of at least the claims for such pending application are provided or
have been provided:

Serial No. _____ filed _____ (Atty. Dckt. No. _____)

Submission of the above information is not intended as an admission that any item is citable under the statutes or rules to support a rejection, that any item disclosed represents analogous art, or that those skilled in the art would refer to or recognize the pertinence of any reference without the benefit of hindsight, nor should an inference be drawn as to the pertinence of the references based on the order in which they are presented. Submission of this statement should not be taken as an indication that a search has been conducted, or that no better art exists.

It is respectfully requested that the cited information be expressly considered during the prosecution of this application and the references made of record therein.

FEES

<input checked="" type="checkbox"/>	<p>37 CFR 1.97(b): No fee is believed due in connection with this submission, because the information disclosure statement submitted herewith satisfies one of the following conditions ("X" indicates satisfaction):</p> <div style="margin-left: 20px;"> <input type="checkbox"/> Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or <input type="checkbox"/> Within three months of the date of entry into the national stage of an international application as set forth in 37 CFR 1.491 or <input checked="" type="checkbox"/> Before the mailing date of a first Office Action on the merits, or <input type="checkbox"/> Before the mailing of a first Office action after the filing of a Request for Continued Examination (RCE) under 37 CFR 1.114. </div> <p>Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970.</p>
<input type="checkbox"/>	<p>37 CFR 1.97(c): The information disclosure statement transmitted herewith is being filed after all the above conditions (37 CFR 1.97(b)), but before the mailing date of one of the following conditions:</p> <div style="margin-left: 20px;"> (1) a final action under 37 C.F.R. 1.113 or (2) a notice of allowance under 37 C.F.R. 1.311, or (3) an action that otherwise closes prosecution in the application. </div> <p>This Information Disclosure Statement is accompanied by:</p> <div style="margin-left: 20px;"> <input type="checkbox"/> A Certification (below) as specified by 37 C.F.R. 1.97(e). Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970. </div> <p style="text-align: center;">OR</p> <div style="margin-left: 20px;"> <input type="checkbox"/> A check in the amount of \$180.00 for the fee set forth in 37 C.F.R. 1.17(p) for submission of an information disclosure statement. Please credit any overpayment or charge any underpayment to Deposit Account No. 19-1970. </div>
<input type="checkbox"/>	<p>37 CFR 1.97(d): This Information Disclosure Statement is being submitted after the period specified in 37 CFR 1.97(c).</p> <div style="margin-left: 20px;"> <input type="checkbox"/> This information Disclosure Statement includes a Certification (below) as specified by 37 C.F.R. 1.97(e) </div> <p style="text-align: center;">AND</p> <div style="margin-left: 20px;"> <input type="checkbox"/> Applicants hereby requests consideration of the reference(s) disclosed herein. Enclosed is the fee in the amount of \$180.00 under 37 C.F.R. 1.17(p). Please credit any overpayment or charge any underpayment to Deposit Account No. 19-1970. Please credit any overpayment or charge any underpayment to Deposit Account No. 19-1970. </div> <p>Election to pay the fee should not be taken as an indication that applicant(s) cannot execute a certification.</p>



Certification (37 C.F.R. 1.97(e))
(Applicable only if checked)

☐ The undersigned certifies that:

☐ Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(1).

☐ A copy of the communication from the foreign patent office is enclosed.

OR

☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. 1.56(c) more than more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(2).

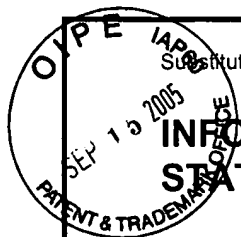
Respectfully submitted,

SHERIDAN ROSS, P.C.

By: Mary Smith

Mary B. Smith
Registration No. 43,512
1560 Broadway, Suite 1200
Denver, CO 80202-5141
TELEPHONE: 303-863-9700
FAX: 303-863-0223

Date: September 13, 2005
J:\S189\2\IDS-01.wpd



Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Complete if Known

				Application Number	10/789,378
				Filing Date	February 26, 2004
				First Named Inventor	Sergey A. Axenovich
				Art Unit	1642
				Examiner Name	YU, Misook
Sheet	1	of	1	Attorney Docket Number	5189-2

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number Number-kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee of Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	6,797,495	9/28/2004	Prusiner	
	2	2003/0198972	10/23/2003	Erlander et al.	
	3	2003/0054453	3/20/2003	Curtis et al.	
	4	2003/0003468	1/2/2003	Crow	
	5	2002/0009730	1/24/2002	Chenchik et al.	
	6	6,310,048	10/30/2001	Kumar	
	7	5,891,991	4/6/1999	Wasco et al.	
	8	10/441,925		Ye et al.	Filed May 19, 2003

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ ; Number ⁴ ; Kind Code ⁵ (if known)			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
	9	WO	-	2004-076682-A2	9/10/2004	Axenovich et al.		
	10	WO	-	2003-097811-A2	11/27/2003	Ye et al.		

OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

Examiner Initials*	Cite No. ¹	
	11	Arteaga-Solis et al.; "Regulation of Limb Patterning By extracellur MicroFibrils"; <i>J Cell Bio</i> ; July 23, 2001; 154(2):275-281
	12	Battini et al.; "A Human Cell-Surface Receptor for Xenotropic and Polytopic Murine Leukemia Viruses: Possible Role in G Protein-Coupled Signal Transduction"; <i>Proc. Natl. Acad. Sci. USA</i> ; February 1999; 96:1385-1390
	13	Castets et al.; "Zinedin, SG2NA, and Striatin Are Calmodulin-Binding; WD Repeat Proteins Principally Expressed in the Brain"; <i>J Bio Chem</i> ; June 30, 2000; 275(26):19970-19977
	14	Heron et al.; "Isolation, Characterization, and Chromosomal Localization of the Human ENSA Gene that Encodes α -Endosulfine, a Regulator of β -Cell K_{ATP} Channels"; <i>Diabetes</i> ; September 1999; 48:1873-1876
	15	International Search Report Issued by the Patent Cooperation Treaty on January 27, 2005 in PCT Patent Application No. PCT/US03/15932
	16	Kuo et al.; "The Copper Transporter CTR1 Provides an Essential Function In Mammalian Embryonic Development"; <i>PNAS</i> ; June 5, 2001; 98(12):6836-6841

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference is considered, whether or not citation is in conformance and not considered. Include copy of this form with next communication to applicant.

J:\5189\2\IDS-01-1449.wpd